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PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Patent Application of:

Jeffrey Fasnacht

Serial No.: 10/614,616

Filed: July 7, 2003

Title: **POLYMERIC SPINNERBAIT  
LURE FRAME**

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)  
) Group Art Unit: 3643  
)  
) Examiner: David J. Parsley  
)  
)

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE**

Sir:

**INTRODUCTORY COMMENTS**

This is a response to a telephonic communication on July 1, 2004 and a written communication dated July 13, 2004. The Declaration of Jeffrey Fasnacht under 37 CFR §1.131 accompanies this response.

**Remarks** begin on page 2 of this paper.

### **REMARKS**

Applicant appreciates the attention of the Examiner to the application. Claims 1-20 and 27-45 are pending. The pending claims set forth a novel and non-obvious spinnerbait fishing lure. Allowance of all pending claims is respectfully requested in view of the following remarks.

Applicant thanks the Examiner for the telephone call to counsel on July 1, 2004, advising counsel that a reference relevant to the examination of this application may soon become available. The Examiner further advised counsel that the reference is presently an unpublished application with a filing date of December 19, 2002. Counsel also appreciates the suggestion of the Examiner for Applicant to investigate the applicability of a declaration under 37 CFR §1.131 for overcoming any rejection based upon this potential §102(e) reference should it be published.

In the event of publication, the effective date for the application in question as a reference under 35 U.S.C. §102(e) is its filing date, December 19, 2002. This effective date is less than a year before the filing of the present application, July 7, 2003. The attached declaration of Jeffrey Fasnacht establishes a date of conception and reduction to practice by Applicant prior to December 19, 2002. This declaration by Applicant therefore overcomes any rejections that would rely upon this prospective reference when it becomes available. Accordingly, Applicant respectfully submits that any future rejection having the application in question as a reference will need to be withdrawn under 37 CFR §1.131.

Applicant's invention, as set forth in the pending claims, represents a highly novel spinnerbait lure. Applicant believes that claims 1-20 and 27-45 include several structural features not disclosed or suggested in the prior art. Applicant submits that all rejections to claims 1-20 and 27-33 in the last Office Action and any possible future rejections based upon the prior art in question have been traversed by amendment, declaration and argument in this and his response of May 10, 2004. Applicant believes that the application is in condition for allowance. Early

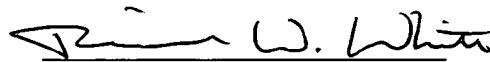
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Inventor: Fasnacht

favorable action is earnestly solicited. The Examiner is invited to call the undersigned if such would be helpful in resolving any issue which might remain.

Respectfully submitted,



Richard W. White  
Registration No. 50,601

Dated: August 16, 2004  
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: MAIL STOP AMENDMENT, COMMISSIONER FOR PATENTS, ALEXANDRIA, VA 22313-1450 on August 16, 2004.

Judith Maresh

Name

Signature



8-16-04

Date